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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/552,490 | 10/06/2005 | Yuji Mizuno | 56224/DBP/A400 | 7256 |
| 23363 7590 12/26/2007 CHRISTIE, PARKER & HALE, LLP PO BOX 7068 PASADENA, CA 91109-7068 | | | | |
| EXAMINER | | | | |
| ARNETT, NICOLAS ALLEN | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 4124 | | | | |
| MAIL DATE | | DELIVERY MODE | | |
| 12/26/2007 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/552,490

Applicant(s)

MIZUNO ET AL.

Examiner

Nicolas A. Arnett

Art Unit

4124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-7 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 06 October 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/IS/C)
Paper No(s)/Mail Date 06 October 2005
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 30, shown in Fig. 1 and 2. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

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The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because of the use of legal phraseology. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 3,785,412 to Stone (Stone).

In Reference to Claim 1

Stone teaches a beverage dispenser for ejecting a beverage into a receptacle (Abstract; col. 4, lines 37-44), comprising:
nozzles (discharge port 37) provided in the beverage dispenser, for ejecting the beverage,
obstacle detection means (arm 85 and switch 84 comprise a detection means for preventing a full container from being placed under the nozzle, the full container being an obstacle to filling; col. 7, lines 12-30) for detecting an obstacle around the nozzle, and
alarm means (signal bell 222) for issuing an alarm when the detection means detects the obstacle.

In Reference to Claim 2

Stone teaches a beverage dispenser as defined by claim 1, further comprising a mechanism capable of not detecting the receptacle, into which the beverage is ejected from the beverage dispenser, as the obstacle (arm 85 and switch 84 are configured such that the empty container is not considered an obstacle to filling).

In Reference to Claim 3

Stone teaches a beverage dispenser as defined by claim 2, wherein the mechanism capable of not detecting the receptacle into which the beverage is ejected defines a detection area of the obstacle detection means in the vicinity of the nozzles (see Fig. 3 and col. 7, lines 12-30).

In Reference to Claim 4

Stone teaches a beverage dispenser as defined by any one of claims 1 to 3, wherein the alarm is not issued from the alarm means when the beverage is ejected (the alarm does not issue if an empty container engages arm 85 and the empty container is then filled; col. 7, lines 12-30).

In Reference to Claim 5

Stone teaches a beverage dispenser as defined by claim 1, further comprising a switch capable of making the alarm means inoperative (starting switch 81a; the alarm means is inoperable prior to the system being started).

In Reference to Claim 6

Stone teaches a beverage dispenser as defined by claim 1, wherein the alarm means is an acoustic generator (signal bell 222).

In Reference to Claim 7

Stone teaches an alarm device for a beverage dispenser for ejecting a beverage into a receptacle from a nozzle, comprising obstacle detection means (arm 85 and switch 84 comprise a detection means for preventing a full container from being placed under the nozzle, the full container being an obstacle to filling; col. 7, lines 12-30) for detecting an obstacle around the nozzle, and an alarm means (signal bell 222) issuing an alarm when an obstacle is detected by the obstacle detection means.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent 5,074,341 to Credle, Jr. et al., US Patent 5,884,807 to Yun, and US Patent 2,718,630 to L. S. Wait all disclose dispensers with alarm means similar to that of Applicant.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicolas A. Arnett whose telephone number is (571) 270-5062. The examiner can normally be reached on Monday - Thursday 7:00 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ken Bomberg can be reached on (571) 272-4922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NAA

/Thor S. Campbell/

Primary Examiner, Art Unit 3742